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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DRY BULK SINGAPORE PTE. LTD,

Plaintiff,

v.

Amis Integrity S.A., *in personam* and M/V
AMIS INTEGRITY (IMO 9732412) her
engines, freights, apparel, appurtenances,
tackle, etc., *in rem*,

Defendants.

Case No. 3:19-cv-01671

IN ADMIRALTY

DECLARATION OF MARKUS OBERG
IN SUPPORT OF REPLY IN SUPPORT
OF MOTION FOR COUNTER-SECURITY

I, MARKUS OBERG, declare as follows:

1. I am over the age of majority and, except as otherwise indicated, make this declaration on personal knowledge, and am competent to testify regarding the facts contained herein.

2. I am one of the attorneys representing Amis Integrity, S.A., by restricted appearance in the above-captioned matter.

3. Attached hereto as **Exhibit 1** is a true and correct copy of Curly Tsao's July 12, 2019 14:00 (CST) (06:00 GMT) email notice of withdrawal to Eddie Lin, as produced in discovery under Bates #AMIS0027.

4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from Amis Integrity S.A.'s responses and objections to Plaintiff's first interrogatories and requests for production along with the verification page.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Eddie Lin's July 12, 2019 14:36 (CST) (06:36 GMT) email to Curly Tsao confirming transmission of the notice of withdrawal and attaching related emails, as produced in discovery under Bates ##AMIS0028 - 0033.

6. Attached hereto as **Exhibit 4** is a true and correct copy of YG Lin's July 12, 2019 22:10 (CST) email to certain owner representatives confirming the charter to United Buk Carriers with effect July 12, 2019, as produced in discovery under Bates ##AMIS0047 - 0055.

7. Plaintiff's counsel, in his declaration (Dkt. #54), takes the liberty of attributing several statements and/or actions to me, which I generally dispute, specifically including that I was "actually thinking about a potential counterclaim"; and any suggestion that the issue of counter-security was negotiated away or resolved by the Court. The only issue "resolved" at the October 23, 2019 hearing was that owners would be required to post a bond in the amount of \$2,500,000 in order to secure the release of their vessel. All other issues were preserved. *See* Dkt. #41 and Dkt #48, p. 4 (motion withdrawn without prejudice). Indeed,

Plaintiff's counsel acknowledges that I "reserved the right to bring an unspecified counterclaim at a later time." Dkt. #54, ¶9.

8. Plaintiff's counsel, in his declaration (Dkt. #54), makes a number of irrelevant (to the issue of counter security) and inaccurate representations, which Defendant generally disputes, specifically including the contention that broker Thomas Rolin of RBS was Amis Integrity S.A.'s "exclusive broker." Dkt. #54, ¶16 a. To the contrary, as established by Plaintiff's answer to Defendant's Interrogatory No. 1, Rolin was involved on behalf of Plaintiff Dry Bulk with its charter of the vessel from 24Vision.

9. Attached hereto as **Exhibit 5** is a true and correct copy of Plaintiff's answer to Interrogatory No. 1.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF OREGON AND THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED this 14th day of January, 2020 at Seattle, Washington.

s/Markus B.G. Oberg
Markus B. G. Oberg

CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all associated counsel.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington this 14th day of January, 2020.

s/ Shelley Courter

Shelley Courter, Legal Assistant

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